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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/929,019	09/15/1997	PAUL T DECRAENE	5291/54391	1336

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CHICAGO, IL 60603

EXAMINER
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HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2644

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DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

08/929,019

Applicant(s)

DECRAENE, PAUL T

Examiner

Jefferey F Harold

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-14, 17-19 and 23 is/are rejected.
- 7) ☒ Claim(s) 9-11, 15, 16 and 20-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyer (United States Patent 3,755,630).

Regarding claim 1, Boyer discloses a wired equipment shelf. In addition, Boyer discloses an equipment shelf, which reads on claimed "wall rack assembly", consisting of:

an equipment shelf, as disclosed in figures 1 and 2, for selectively receiving a plurality of circuit units, which reads on claimed network interface units, as disclosed at column 6, lines 10-26 and exhibited in figures 4 and 5;

inherent customer interface modules as evidenced by the fact that one of ordinary skill in the art would have recognized that the customer interface modules would have been provided for the purpose of connecting to the terminal blocks (31) to the equipment shelf;

two terminal blocks (31), which read on claimed "customer interface module" selectively connectable to inherent customer interface modules on either side of equipment shelf, as disclosed at column 4, line 22 through column 5, line 25 and exhibited in figures 1-4.

Regarding claims 4 and 6, Boyer discloses everything claimed as applied above (see claim 6), in addition, Boyer discloses wherein the equipment shelf consists of a circuit board, as exhibited in figure 1.

Regarding claim 7, Boyer discloses everything claimed as applied above (see claim 6), in addition, Boyer discloses wherein the equipment shelf includes a top flange, a bottom flange, a first side flange and a second side flange, the top, bottom, first and second side flanges being positioned generally perpendicular to the printed circuit board and forming a housing area of the circuit units, as exhibited in figures 1-4.

Regarding claim 8, Boyer discloses everything claimed as applied above (see claim 7), in addition, Boyer discloses wherein the inherent customer interface module connectors include a first customer interface module connector positioned along the first side flange and a second customer interface circuit module connector positioned along the second side flange, as exhibited in figures 1-4.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5, 12-14, 17-19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer in view of De Bortoli et al. (United States Patent 3,784,728), hereinafter referenced as De Bortoli.

Regarding claim 2, Boyer discloses everything claimed as applied above (see claim 1), however, Boyer fails to disclose a cover for the shelf assembly. However, the examiner maintains that it was well known in the art to provide a cover for the shelf assembly, as taught by De Bortoli.

In a similar field of endeavor De Bortoli discloses a connecting block with hinged terminal means. In addition, De Bortoli discloses a cover (14) is for engaging the enclosure, as disclosed at column 1, lines 48-68 and exhibited in figures 1 and 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer by specifically providing a cover for the shelf assembly, as taught by De Bortoli, for the purpose of protecting the boards.

Regarding claim 3, Boyer and De Bortoli disclose everything claimed as applied above (see claim 2), however, the combination fails to disclose a cover with side openings. However, the examiner maintains that it was well known in the art to provide a cover with side openings, as taught by De Bortoli.

In addition, De Bortoli discloses a cover (14) with side openings, as exhibited in figures 1 and 2.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boyer by specifically providing a cover with side openings, as taught by De Bortoli, for the purpose of customer interface.

Regarding claims 5, 12-14, 17-19 and 23 they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-4 and 6-8.

***Allowable Subject Matter***

Claims 9-11, 15, 16, and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed April 7, 2004 have been fully considered but they are not persuasive. Specifically, regarding applicant's arguments concerning the interface modules the examiner respectfully disagrees since the above cited rejection more than adequately meet the claim limitations. Further, regarding applicant's argument concerning the circuit board, the examiner respectfully disagrees since the above cited rejection based on Boyer as exhibited in figure 1 and disclosed at column 4, lines 10-30 more than adequately meets the claimed limitations.

In response to applicant's argument that De Bortoli is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, De Bortoli is provided to support the examiner's obvious statement. Further the combination more than adequately meets the claimed limitations.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F Harold whose telephone number is 703-306-5836. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH  
June 11, 2004

Jefferey F Harold  
Examiner  
Art Unit 2644

  
XU MEI  
PRIMARY EXAMINER